



PTO/SB/21 (09-04)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/705,522
Filing Date	11/10/2003
First Named Inventor	Jere F. Irwin
Art Unit	3725
Examiner Name	Mark Rosenbaum
Attorney Docket Number	IR3-065

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement with 3 foreign cited references <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return receipt postcard; check in the amount of \$180.00 for IDS
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Wells St. John, P.S. (Customer No. 021567)		
Signature			
Printed name	Keith D. Grzelak		
Date	2/04/05	Reg. No.	37,144

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being ~~facsimile transmitted~~ or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Terry J. Gruber	Date	2/04/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEB 07 2005

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Effective on 12/08/2004.

FEE TRANSMITTAL
For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$180.00)

Complete if Known	
Application Number	10/705,522
Filing Date	11/10/2003
First Named Inventor	Jere F. Irwin
Examiner Name	Mark Rosenbaum
Art Unit	3725
Attorney Docket No.	IR3-065

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 23-0925 Deposit Account Name: Wells St. John P.S.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	FILING FEES		SEARCH FEES		EXAMINATION FEES		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
				<u>Fee (\$)</u>	<u>Fee (\$)</u>
- 20 or HP =	x	=		50	25

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
				<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x	=		200	100

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

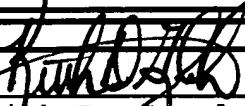
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Filing fee for IDS \$180.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 37,144	Telephone 509/624-4276
Name (Print/Type)	Keith D. Grzelak		Date 2/04/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Reinventor(s): **Jere F. Irwin**

Title: **"Comminuting Apparatus"**

Assignee: **None**

Attorney Docket No.: **IR3-065**

Serial No.: **10/705,522**

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.56, 1.97 AND 1.98

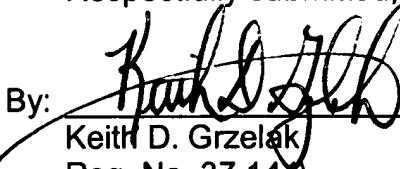
In compliance with 37 C.F.R. §§ 1.56, 1.97 and 1.98, your attention is directed to the United States patents and other references listed on the attached Form PTO-1449. No admission is made regarding whether all the submitted references are prior art.

The listed references were cited by, or submitted to, the Office in the parent, co-pending application of the above-identified application. The above-identified application is a continuation application of co-pending application Serial No. 09/419,822, filed October 15, 1999, and which is now Patent No. 6,644,570 B1, issued November 11, 2003. Such prior disclosure is sufficient for the above-identified application as far as copies of the references are concerned. 37 C.F.R. § 1.98(d) and MPEP§ 609(2).

Citation of these references is respectfully requested.

Respectfully submitted,

Dated: 2/04/05

By: 

Keith D. Grzelak

Reg. No. 37,144

WELLS ST. JOHN P.S.

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02/09/2005 RFEKADU1 00000030 10750522 ✓

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02/11/2005 RFEKADU1 00000040 10705522

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S:VR31065VD1.doc 2/4/05

Form PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			ATTY. DOCKET NO. IR3-065		SERIAL NO. 10/705,522		
<p style="text-align: center;">LIST OF ART UNITS BY APPLICANT (Use several sheets if necessary)</p> <p style="text-align: center;">FEB 07 2005 PATENT & TRADEMARK OFFICE</p>					APPLICANT Jere F. Irwin				
					FILING DATE February 4, 2005		GROUP 3725		
		U.S. PATENT DOCUMENTS							
*Examiner Initial		Document Number	Date	Name		Class	Subclass	Filing Date If Appropriate	
	AA	5,893,523	04/13/99	Irwin		241	60	06/13/97	
	AB	5,860,607	01/19/99	Irwin		241	80	01/08/97	
	AC	5,836,527	11/17/98	Irwin, et al.		241	49	06/06/94 (PCT)	
	AD	5,427,321	06/27/95	Takahashi, et al.		241	73	05/27/93	
	AE	5,248,100	09/28/93	Arakawa		241	34	12/30/91	
	AF	5,141,168	08/25/92	Pepper		241	236	01/03/92	
	AG	5,039,020	08/13/91	Leuthold, et al.		241	30	12/21/89	
	AH	4,687,144	08/18/87	Irwin, et al.		241	49	06/13/86	
	AI	4,422,581	12/27/83	Chryst		241	66	01/15/81	
	AJ	4,355,766	10/26/82	Wigand		241	222	10/17/80	
	AK	4,321,027	03/23/82	Stoehr, et al.		425	216	06/18/79	
	AL	4,161,296	07/17/79	Parker, et al.		241	152 A	06/09/78	
	AM	4,134,556	01/16/79	Ehrlich, et al.		241	79.3	09/19/77	
	AN	3,627,211	12/14/71	Leach		241	3	07/25/69	
	AO	3,310,059	03/21/67	Grinzing				09/28/64	
	AP	3,229,698	01/18/66	Johansson, et al.				03/19/64	
FOREIGN PATENT DOCUMENTS									
		Document Number	Date	Country		Class	Subclass	Translation	
								Yes	No
	AQ	WO 95/33566	12/14/95	PCT					
	AR	SU 1556-745-A	04/15/90						
	AS	DE 3614-028-A1	10/29/87						
OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, Etc.)									
	AT								
	AU								
EXAMINER				DATE CONSIDERED					
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>									

Form PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. IR3-065		SERIAL NO. 10/705,522			
LIST OF ART CITED BY APPLICANT (Use several sheets if necessary)				APPLICANT Jere F. Irwin					
				FILING DATE February 4, 2005		GROUP 3725			
U.S. PATENT DOCUMENTS									
*Examiner Initial		Document Number	Date	Name		Class	Subclass	Filing Date if Appropriate	
	BA	3,055,597	09/25/62	Mund				06/05/61	
	BB	2,595,117	04/29/52	Ahlmann				03/06/51	
	BC	745,176	02/22/56	Grinsted		50, 59		07/05/54	
	BD								
	BE								
	BF								
	BG								
	BH								
	BI								
	BJ								
	BK								
	BL								
	BM								
	BN								
	BO								
	BP								
FOREIGN PATENT DOCUMENTS									
		Document Number	Date	Country		Class	Subclas s	Translation	
								Yes	No
	BQ								
	BR								
	BS								
OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, Etc.)									
	BT								
	BU								
EXAMINER				DATE CONSIDERED					
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>									